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13
14 **UNITED STATES BANKRUPTCY COURT**
15
16 **EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION**

17 In re:

18 TULARE LOCAL HEALTHCARE DISTRICT
dba TULARE REGIONAL MEDICAL CENTER,
19 Debtor.

20
21 HEALTHCARE CONGLOMERATE
ASSOCIATES, LLC,

22 Plaintiff,

23 v.

24 TULARE LOCAL HEALTHCARE DISTRICT
dba TULARE REGIONAL MEDICAL CENTER,
25 and DOES 1 through 20,

26 Defendant.

27
28 AND RELATED COUNTER-CLAIM

Case No.: 17-13797-9-B

Chapter 9

ADV. PROC. NO.: 17-01095-B

DC No.: OHS-3

**HEALTHCARE CONGLOMERATE
ASSOCIATES, LLC'S MOTION TO
STRIKE PORTIONS OF ANSWER
OF TULARE LOCAL
HEALTHCARE DISTRICT DBA
TULARE REGIONAL MEDICAL
CENTER**

Date: March 12, 2018

Time: 10:30 a.m.

Dept: Courtroom 13

Judge: Hon. René Lastreto II

1 **PLEASE TAKE NOTICE THAT** on March 12, 2018, at 10:30 a.m., or as soon
2 thereafter as the matter may be heard, before the Honorable René Lastreto II of the above-entitled
3 Court located at 2500 Tulare Street, Fresno, California 93721, HealthCare Conglomerate
4 Associates, Inc., will and hereby does move the Court pursuant to Federal Rule of Civil
5 Procedure 12(f) and Federal Rule of Bankruptcy Procedure 7012(b) for an order striking portions
6 of the Answer of Tulare Local Healthcare District dba Tulare Regional Medical Center (the
7 “Answer” filed by “TRMC”) that are redundant, immaterial, impertinent, scandalous and raise
8 insufficient affirmative defenses. The Answer fails to allege any factual basis for a number of the
9 affirmative defenses it asserts, and several other “affirmative defenses” raised by TRMC are not,
10 in fact, affirmative defenses at all. Plaintiff therefore respectfully requests an order striking the
11 following portions of the Answer (encompassing affirmative defenses numbered 1, 3-17):

12 • Page 7, lines 11-14; and
13 • Page 7, line 20 through Page 10, line 17.

14 The Motion is based upon this Motion, the memorandum of points and authorities in
15 support hereof and filed herewith, all papers and pleadings on file in this case and this adversary
16 proceeding, and upon such other evidence and argument as the Court may consider at or before
17 the hearing on this Motion.

18
19 Dated: January 29, 2018

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 ORRICK, HERRINGTON & SUTCLIFFE LLP

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24 By _____ */s/ Marc A. Levinson*
25 Marc A. Levinson
26 Attorneys for Plaintiff
27 HealthCare Conglomerate Associates, LLC

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29 OHSUSA 767957223.1